

1 AARON D. FORD
2 Attorney General
3 GERRI LYNN HARDCASTLE, Bar No. 13142
4 Deputy Attorney General
5 State of Nevada
6 Bureau of Litigation
7 Public Safety Division
8 100 N. Carson Street
9 Carson City, NV 89701-4717
10 Tel: (775) 684-1134
11 E-mail: ghardcastle@ag.nv.gov

12 *Attorneys for Defendants*
13 *Isidro Baca, Laurie Hoover, Michelle Hicks-*
14 *Moses, Shannon Moyle, Jorja Powers, Holly*
15 *Skulstad, David Tristan, and Brian Ward*

16 **UNITED STATES DISTRICT COURT**

17 **DISTRICT OF NEVADA**

18 TODD M. HONEYCUTT,

19 Plaintiff,

20 vs.

21 ISIDRO BACA, et al.,

22 Defendants.

Case No. 3:17-cv-00230-MMD-CBC

23 **DEFENDANTS' MOTION FOR
ENLARGEMENT OF TIME TO FILE REPLY
IN SUPPORT OF MOTION FOR SUMMARY
JUDGMENT
(First Request)**

24 Defendants, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada,
25 and Gerri Lynn Hardcastle, Deputy Attorney General, hereby move this honorable Court for an
26 enlargement of time to submit their Reply in Support of their Motion for Summary Judgment. This
27 motion is based on Fed. R. Civ. P. 6(b)(1), the following memorandum of points and authorities, and all
28 papers and pleadings on file herein.

29 **MEMORANDUM OF POINTS AND AUTHORITIES**

30 **I. ARGUMENT**

31 Defendants respectfully request a fourteen (14) day extension of time out from the current
32 deadline (April 29, 2019) to file a reply brief. Counsel for Defendants is confronted with numerous
33 competing deadlines and a high workload due to staffing changes in the Office of the Attorney General.
34 Furthermore, defense counsel is travelling out of the jurisdiction for the week of April 29, to return next
35 week.

1 However, such obstacles are currently being resolved and the requested extension of time
2 should afford Defendants adequate time to file a reply brief in this case.

3 District courts have inherent power to control their dockets. *Hamilton Copper & Steel Corp. v.*
4 *Primary Steel, Inc.*, 898 F.2d 1428, 1429 (9th Cir. 1990); *Oliva v. Sullivan*, 958 F.2d 272, 273 (9th Cir.
5 1992). Fed. R. Civ. P. 6(b)(1) governs enlargements of time and provides as follows:

6 When an act may or must be done within a specified time, the court may,
7 for good cause, extend the time: (A) with or without motion or notice if
8 the court acts, or if a request is made, before the original time or its
extension expires; or (B) on motion made after the time has expired if the
party failed to act because of excusable neglect.

9 “The proper procedure, when additional time for any purpose is needed, is to present to the
10 Court a timely request for an extension before the time fixed has expired (i.e., a request presented
11 before the time then fixed for the purpose in question has expired).” *Canup v. Miss. Valley Barge Line*
12 Co., 31 F.R.D. 282, 283 (D. Pa. 1962). The *Canup* Court explained that “the practicalities of life” (such
13 as an attorney’s “conflicting professional engagements” or personal commitments such as vacations,
14 family activities, illnesses, or death) often necessitate an enlargement of time to comply with a court
15 deadline. *Id.* Extensions of time “usually are granted upon a showing of good cause, if timely made.”
16 *Creedon v. Taubman*, 8 F.R.D. 268, 269 (D. Ohio 1947). The good cause standard considers a party’s
17 diligence in seeking the continuance or extension. See, e.g., *Johnson v. Mammoth Recreations, Inc.*,
18 975 F.2d 604, 609 (9th Cir. 1992).

19 Defendants’ request is timely and its limited nature will not hinder or prejudice Plaintiff’s case,
20 but will allow for a thorough briefing and full analysis of the issues argued in the dispositive motion.
21 The requested fourteen (14) day extension of time should permit Defendants time to adequately
22 research and respond to Plaintiff’s opposition brief. Defendants assert that the requisite good cause is
23 present to warrant the requested extension of time.

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1 For these reasons, Defendants respectfully request a fourteen (14) day extension of time from
2 the current deadline to file a reply brief in this case, with a new deadline to and including Monday, May
3 13, 2019.

4 DATED this 29th day of April, 2019.

5 AARON D. FORD
6 Attorney General

7 By: 

8 GERRI LYNN HARDCASTLE
9 Deputy Attorney General
10 State of Nevada
11 Bureau of Litigation
12 Public Safety Division

13 *Attorneys for Defendants*

14 IT IS SO ORDERED.

15 U.S. MAGISTRATE JUDGE

16 DATED: 4/30/2019

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that
on this 29th day of April, 2019, I caused to be served a copy of the foregoing, **DEFENDANTS'**
MOTION FOR ENLARGEMENT OF TIME TO FILE REPLY IN SUPPORT OF MOTION
FOR SUMMARY JUDGMENT (First Request), by U.S. District Court CM/CEF Electronic Filing
on:

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Paul Penny
An employee of the
Office of the Attorney General